Archives I—10,006—16-8-77.

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(3) Initials of the Referencer [illegible]

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

P.W DEPARTMENT

G.O. No. / B.P. No.	832 W	Press. / Mis.
Dated	29.3.1882	~~197~~ .

Not to be folded or roughly handled

832/1

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

29th March 1882, No. 832 W.

General.
Establishment.

Read the following paper:—

No. 228. From the Members of the Committee appointed in Government Order, dated 26th September 1881, No. 2358 W., to the Secretary to Government, Public Works Department, dated Madras, 24th March 1882.

26th September 1881, No. 2358 W.

We, the undersigned members of the Committee appointed in the Government Order noted in the margin to frame drafts of Acts for regulating Kudimaramat and prescribing the law and obligations relating to Irrigation, have the honor to submit herewith a Bill relating to the former of these subjects.

2. We have carefully considered the draft Act contained in the Report of the Irrigation Famine Committee, dated 27th December 1878, as well as the Proceedings of the Board of Revenue, dated 6th May 1876, No. 1192, in which the whole subject of unpaid village labour is fully discussed. We have also referred to such other papers on the subject as were available, and we now beg to submit the conclusions at which we have arrived.

3. There appears to be no reason to doubt that the execution of timely repairs to Irrigation works by unpaid labour has, for a long series of years, been recognized as a duty devolving on the Ryots whose crops depend on the maintenance of these works.

Sir A. J. Arbuthnot's life of Major-General Sir Thomas Munro, Volume 1, Page 90.

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Board's Standing Order No. 148.

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4. The custom was mentioned with approval by Sir Thomas Munro, who, speaking of tanks, says: "There are very few tanks in which ordinary repairs have not always been made either by the cultivators themselves or by the Revenue servants at their expenses." While of the repair of water-courses (distributary channels), he says: "Their repair is still more common than that of tanks by the labour of the cultivators. In every part of the country water-courses are annually cleared out by them, and the performance of such work is not regarded as any extra duty more than the payment of their rent." Later on, the Board of Revenue, in 1847, drew up a list of works which they considered might fairly be classed as those which the Ryot was bound to execute without payment, and full recognition of the existence of the custom is to be found in the Report of the Public Works Department Commission in 1869, as well as in the subsequent Proceedings of the Board of Revenue in May 1876. At the same time there seems always to have been some divergence of opinion, as to the policy of enforcing this obligation by legislation, and as to the exact nature of the work to be enforced.

5. After giving the subject our closest attention, we concur in opinion with the Board of Revenue, that the expediency of maintaining the system of Kudimaramat where it is already in force, and of reviving it where it has fallen into desuetude, has been satisfactorily established; but we consider that such a system can only be justified by necessity, and that it would be undesirable to enforce it by legislation, merely in order to supplement deficient funds.

6. We have accordingly endeavoured to frame the Bill so as to impose on the cultivator the duty of carrying out by unpaid labour, only such timely repairs to Irrigation works as require to be promptly attended to, in order to save the standing crops, or to prevent trifling injuries, leading, from want of prompt care and attention, to serious loss and expense. The *general* repair of Irrigation works must still, in our opinion, devolve on Government, and the requisite funds for carrying out such repairs should, we think, be provided by the State out of its Irrigation Revenue, and might properly form a first charge on that Revenue.

7. We have omitted Items (6) and (7) of Section II of the Bill drafted by the Irrigation Committee in 1878, for the following reasons:—

Item (6). This provided for the construction of ring dams in front of breaches, and for strengthening bunds of tanks, where necessary, during the rainy season. The latter is generally provided for in Section III (1) of our draft Bill, and as regards the formation of ring bunds round breaches, we think that, although it was formerly a work usually performed by Kudimaramat, it is liable to be too heavy an exaction to make it desirable to enforce it as a Kudimaramat obligation. We propose therefore that the obligation to construct such ring bunds should be strictly enforced under the provisions of Act I of 1858, and that the work done should be paid for as therein required.

The importance of its being done promptly and effectually, whenever there is a reasonable prospect of thereby saving water to secure the crops, is indisputable; Act I of 1858 confers the necessary power to summon labourers belonging to the village or, if necessary, those of neighbouring villages also, and if it be made clear to Heads of villages, by Circular order of Collectors, that the duty must be attended to, no further legislation will be required.

Item (7). This required sluices to be uncovered by the villagers on the requisition of the Inspecting officer. Our reason for omitting it is, that though the work to be done might in the majority of cases be trifling, it would, or might in the case of deep tanks, be far too heavy to be demanded without payment. We think that by an administrative order, the Heads of villages should be required to attend to requisitions for the uncovering of sluices which may need repair, but that the work done should be measured by the Inspecting officer and paid for.

8. We have specially exempted from the operation of the Act the districts of Madras, Malabar, South Canara, and Nílgiris, as it appears from the Board's Proceedings to which reference has been made above, that "Customary labour" has never been recognized in those districts. Nor do we intend that the provisions of the Act should apply to the canals and larger channels in the Godávari and Kistna Deltas, inasmuch as the entire regulation, and distribution of water from these works, is under the control of the Public Works Department—a state of things which, as regards distribution of water in village channels, does not exist in the Cauvery Delta.

Section II of our draft provides for the repeal of Section 6, Act I of 1858, the only section of that Act which treats of the subject now under consideration, and which has long been a dead letter.

Section III describes the various works which are to be performed by Kudimaramat, and restricts the obligation to contribute labour, to those who hold lands under the particular Irrigation work.

Section IV empowers Government to extend, or restrict the operation of the Act, as circumstances may require.

Section V makes the actual cultivator of the land liable to contribute labour, and enables him to deduct the money-value of it from the rent payable by him.

832/2

Section VI provides that the quota of labour for which each individual is responsible, is to be regulated by the proportion which the assessment payable by him bears total assessment of the occupied lands under the work.

Section VII lays down rules for the distribution of Kudimaramat on works supplying more than one village.

Section VIII directs the preparation, and maintenance of registers, showing the works on which Kudimaramat is to be exacted, and the share of labour which each individual is to contribute.

Section IX provides for the execution of work by hired labour when those who are bound to contribute labour refuse to do so without good and sufficient cause, and imposes a penalty where labour is wrongly withheld.

Section X provides for recovery of the cost of labour hired.

Section XI and XII allow of a composition being made for a period of three years where the Ryots concerned prefer to pay in money the full value of the labour they would otherwise be bound to contribute.

Section XIII deals with appeals.

Section XIV debars the jurisdiction of Civil Courts to the extent specified.

Section XV provides for the framing of rules to carry out the provisions of the Act.

(Signed) C. G. MASTER.
(„) R. H. SANKEY.
(„) JOHN MULLINS.
(„) E. F. WEBSTER.

A BILL FOR THE REGULATION AND ENFORCEMENT OF KUDIMARAMAT OR UNPAID VILLAGE LABOUR IN THE PRESIDENCY OF FORT ST. GEORGE.

Preamble.

WHEREAS it is expedient to make better provision for the regulation and enforcement of Kudimaramat, or unpaid village labour, in the Presidency of Fort St. George; it is hereby enacted as follows :—

I.—This Act may be cited as the Madras Kudimaramat Act, 1882 : it extends to the whole of the Presidency of Fort St. George, excepting the Districts of Madras, Malabar, South Canara and Nílgiris, and the canals and distributaries irrigating more than one village in the Godávari and Kistna Deltas, and it shall come into force on the passing thereof.

II.—Section 6 of Act I of 1858 is hereby repealed.

Description of Kudimaramat Works.

III.—The following repairs to irrigation and drainage works, shall be performed by Kudimaramat or unpaid labour, contributed as hereinafter laid down by those who own, or cultivate lands, under such works : provided that no one shall be liable to furnish Kudimaramat to an irrigation work under which he does not hold land :—

(1.) The filling up of gullies, ruts, and holes, especially at the back of revetments, and all petty repairs of a like nature essential for the safety of bunds of tanks, channel banks, or other irrigation works appertaining to the village.

(2.) The prevention of the growth on village irrigation works of prickly-pear, wild croton, young trees and other vegetation endangering the safety or concealing the condition of the work.

(3.) The preservation of such bushes and grasses as have been planted for the protection of the interior water slopes of bunds of tanks.

(4.) The clearance of silt from sluices, supply, and distributing channels of tanks, spring channels and also when not maintained by the State from river channels.

(5.) To clear the spaces between the upright stones of calingulahs (waste weirs with upright stones) and to regulate the latter according to the requirements of the season.

IV.—The Government shall have power to require the performance of any description of work not included in Section III, on satisfactory evidence being adduced of its recognition as

Kudimaramat in any District or part of a District, and similarly to declare that in any locality, or on any work, Section III or any part of it, shall not be applicable.

Who liable to contribute.

V.—The actual cultivator, or tenant of the land, where the owner or proprietor of the land is not forthcoming, shall be bound to contribute the quota of labour as defined by Section VI of this Act, and it shall be lawful for such cultivator or tenant, to deduct the value of such labour at the current rate of wages in the village, from the rent payable to the owner or proprietor.

Quota of Labour.

VI.—The quota of labour to be furnished by individuals will be determined by the proportion between the assessment of the lands occupied by them under the irrigation work, and the total assessment of the occupied lands under such work.

In case of Inam lands.

In the case of Inam or rent-free lands the full assessment which such lands would bear if they were not Inam shall be taken to be the assessment of such lands for the purposes of this section.

Details of apportionment of labour by Panchayat.

Whenever a majority of the persons bound to contribute labour are willing to settle among themselves the details of its apportionment, it shall be open to them to do so, the Divisional Revenue Officer being empowered to appoint a *Panchayat* for this purpose under the provisions of Regulation V of 1816.

Works supplying more than one village.

VII.—Whenever an irrigation work supplies the lands of more than one village, every village concerned shall be liable to furnish labour for its Kudimaramat. In such cases the shares of work to be done shall be, for tanks and their connected works, settled under the orders of the Divisional Revenue Officer by apportioning to each village a definite length of the tank bund, supply channel, distributaries, &c., after which the Headman of the village will be responsible that the share of his village is regularly performed. In the case of channels irrigating more than one village, the shares of individual villages shall in like manner be arranged from time to time under the orders of the Divisional Officer and subject to the Collector's approval.

Tahsildar to keep registers of works.

VIII. It will be the duty of the Tahsildar to prepare and maintain registers for each village in his taluk showing the number, and description of the works, upon which Kudimaramat labour is required under the provisions of this Act, and also the names of those who are bound to contribute this labour, and the share for which each one of them is responsible.

To correct them.

The village Registers shall be corrected annually by the Tahsildar, all alterations in holdings, or relinquishment of lands, being duly noted.

To furnish copies to Village Headmen.

Copies of the registers shall be furnished to the Headman of the village to which they relate, in view to their contents being made known as widely as possible among the villagers.

Refusal to contribute labour.

IX. It shall be the duty of the Headman of every village concerned, to see that the Kudimaramat required for his village is duly contributed, and applied to the purposes specified in Section III. Whenever the labour so required is withheld by the person bound to contribute the same, it shall be the duty of the Headman of the village, to cause the immediate execution of the work by hiring labour at the prevailing rate of wages, at the same time reporting his proceedings to the Tahsildar of the taluk, who shall thereupon hold a summary inquiry into the facts of the case, and may recover the value of the labour withheld from the person who should have contributed it.

Penalty to be imposed.

If it appears to him that the labourhas been withheld without good and sufficient reason, he may in addition adjudge the defaulter to pay a penalty not exceeding twice the value of the labour withheld.

Mode of recovery of penalty.

X. The cost of the labour hired, as well as the penalty which may be adjudged under the preceding section, shall be forthwith recoverable in the manner prescribed for the recovery of arrears of land revenue in the Madras Presidency.

Composition allowed.

XI. When any of the persons who, under the provisions of this Act, are bound to furnish labour, prefer individually or collectively to compound for the whole or any part of such obligation by an annual money payment, it shall be lawful for the Collector to admit such composition

For three years.

for a period not exceeding three years at such rates as shall be fully equivalent to the money value of the obligation, and to undertake the execution of the work so compounded for provided that the whole of the sum so raised shall be spent on the irrigation work in respect of which it is collected.

XII. The Collector shall fix the dates within which each party to the above composition shall pay the share due by him: and every sum not so paid shall be deemed to be an arrear of land revenue and be recoverable under the provisions of Act II of 1864.

832/3

XIII. All decisions or orders passed by a Tahsildar under the provisions of this Act shall be appealable to the Divisional Officer, provided such appeal be made within two months from the date of such decision or order: and a further appeal shall lie to the Collector if made within one month from the date of the Divisional Officer's decision or order. Orders passed by the Collector on such appeals shall be final. From every original decision or order of a Collector or Divisional Officer an appeal shall lie to the Board of Revenue, if preferred within three months from the date of such order or decision.

XIV. No Court of Civil Judicature shall have authority to take into consideration or decide any questions relating to the liability to contribute labour or money, the rates of composition, and the expenditure of the money raised under this Act.

Government may make rule.

XV. The Government may, from time to time, make and when made, may alter or cancel rules to regulate the following matters:—

(1) The proceedings of any officer who under any provision of this Act is required to take action in any matter.

(2) And generally to carry out the provisions of this Act.

Such rules, alterations, and cancelments shall be published in the *Fort St. George Gazette* and shall thereupon have the force of law.

No. 229. ORDER THEREON, 29th March 1882, No. 832 W.

FORWARDED to the Board of Revenue for remarks with reference to paragraph 3 of G.O., No. 2358 W., dated 26th September 1881.

2. In consideration of the urgent demands made by the Government of India, the Government desire to impress on the Board the absolute necessity for disposing of this reference with the least practicable delay.

(True Extract.)

Lieut.-Col., R.E.,
Ag. Under Secy. to Govt., P.W.D.

To the Board of Revenue.
" Revenue Department.
" Legislative Department.
" Chief Engr. for Irrign.

Exd. S. T. Austin.
Spare Copies

GENERAL.
ESTABLISHMENT.

Govt. of (1882) Madras.

PUBLIC WORKS.

To

THE BOARD OF REVENUE,
&c., &c., &c.

Dated March, 29th.

Issued

Recd. *Encl.*

G.O., 29th March 1882, *No.* 832 *W.*

MARCH.

Nos. 228-229.

Bill for the regulation and enforcement of Kudimaramat.—Letter from the Committee appointed in G.O., No. 2358 W., dated 26th September 1881, forwarding draft of a —, forwarded to the Board of Revenue for remarks.

Original draft — As proposed by the Rev. Bd. — proposed by the Adv. Genl

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832/23

Print urgent

No. 832 W.

832 genl
estabt.
24

PUBLIC WORKS DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

UNDER date the 29th March 82

Read the following:—

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To The Board of Rev.
" Rev. Dept
" Legislative Dept
Chief Engr for Irrigation & Cy
a spare copy sent to the Hon'ble
A. Sullivan – 24/4/82

29/3/82

[illegible]

13-12-73 (Rev)

1986

Govt. of 1882 Madras.
PUBLIC WORKS.

To

Dated 30/3/82

Issued

Recd. Encl.

G. O., 29 Mar 1882 No. 832 W

Nos.

Bill for the regulation and enforcement of Kudimaramat. Letter from the Committee appointed in G.O. No. 2358 W dated 26 Sept 1881 forwarding draft of — forwarded to B. R. Rev for remarks.

Special

832/K

The Hon W Hudleston

For orders 832 W

The Committee appointed by G O 26 Sept. 1881 No 2358 W have now submitted draft of a Kudimaramat Act which was one of the subjects named for their consideration.

This has now to be forwarded to the Board of Revenue for remarks (presumably by G O ?) and in doing so opportunity might be taken in consideration of the urgent demands made by the G of I &c.. to impress on the Board the absolute necessity for disposing of the reference with the least practical delay

27/3/82

Yes. Send to Bd. & urge speedy reply. Take care that Mr. Sullivan had a copy. I expect the Bd. will send it to Rev. consult Colls.

& the Draft will need I think to go to Adv: Genl: for his remarks before Govt. deal with it.

28/3/82

Several copies

832/6

From

The Members of the Committee appointed in Government Order,
dated, 26th September 1881, No. 2358 W.

To

The Secretary to Government, Public Works Department,
Fort St. George.

26th September 1881, No. 2358-W.

SIR,—We, the undersigned members of the Committee appointed in the Government Order noted in the margin to frame drafts of Acts for regulating Kudimaramat and prescribing the law and obligations relating to Irrigation, have the honor to submit herewith a Bill relating to the former of these subjects.

2. We have carefully considered the draft Act contained in the Report of the Irrigation Famine Committee, dated 27th December 1878, as well as the Proceedings of the Board of Revenue, dated 6th May 1876, No. 1192, in which the whole subject of unpaid village labour is fully discussed. We have also referred to such other papers on the subject as were available, and we now beg to submit the conclusions at which we have arrived.

3. There appears to be no reason to doubt that the execution of timely repairs to Irrigation works by unpaid labour has, for a long series of years, been recognized as a duty devolving on the Ryots whose crops depend on the maintenance of these works.

Sir A. J. Arbuthnot's life of Major-General Sir Thomas Munro, Volume 1, page 90.

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Board's Standing Order No. 148.

6th May 1876, No. 1192.

4. The custom was mentioned with approval by Sir Thomas Munro, who, speaking of tanks, says: "There are very few tanks in which ordinary repairs have not always been made either by the cultivators themselves or by the Revenue servants at their expenses." While of the repair of water-courses (distributory channels), he says: "Their repair is still more common than that of tanks by the labour of the cultivators. In every part of the country water-courses are annually cleared out by them, and the performance of such work is not regarded as any extra duty more than the payment of their rent." Later on the Board of Revenue, in 1847, drew up a list of works which they considered might fairly be classed as those which the Ryot was bound to execute without payment, and full recognition of the existence of the custom is to be found in the Report of the Public Works Department Commission in 1869, as well as in the subsequent Proceedings of the Board of Revenue in May 1876. At the same time there seems always to have been some divergence of opinion as to the policy of enforcing this obligation by legislation, and as to the exact nature of the work to be enforced.

5. After giving the subject their closest attention, the Committee concur in opinion with the Board of Revenue, that the expediency of maintaining the system of Kudimaramat where it is already in force, and of reviving it where it has fallen into desuetude, has been satisfactorily established; but they consider that such a system can only be justified by necessity, and that it would be undesirable to enforce it by legislation, merely in order to supplement deficient funds.

6. We have accordingly endeavoured to frame the Bill so as to impose on the cultivator the duty of carrying out by unpaid labour only such timely repairs to Irrigation works as require to be promptly attended to in order to save the standing crops, or to prevent trifling injuries, leading, from want of prompt care and attention, to serious loss and expense. The *general* repair of Irrigation works must still, in our opinion, devolve on Government, and the requisite funds for carrying out such repairs should, we think, be provided by the State out of its Irrigation Revenue, and might properly form a first charge on that Revenue.

7. We have omitted items (6) and (7) of Section II of the Bill drafted by the Irrigation Committee in 1878, for the following reasons :—

Item (6). This provided for the construction of ring dams in front of breaches and for strengthening bunds of tanks where necessary during the rainy season. The latter is generally provided for in Section III (1) of our draft Bill, and as regards the formation of ring bunds round breaches, we think that although it was formerly a work usually performed by Kudimaramat, it is liable to be too heavy an exaction to make it desirable to enforce it as a Kudimaramat obligation. We propose therefore that the obligation to construct such ring bunds should be strictly enforced under the provisions of Act I of 1858, and that the work done should be paid for as therein required.

The importance of its being done promptly and effectually, whenever there is a reasonable prospect of thereby saving water to secure the crops, is indisputable; Act I of 1858 confers the necessary power to summon labourers belonging to the village or, if necessary, those of neighbouring villages also, and if it be made clear to Heads of villages, by Circular order of Collectors, that the duty must be attended to, no further legislation will be required.

Item (7). This required sluices to be uncovered by the villagers on the requisition of the Inspecting officer. Our reason for omitting it is that though the work to be done might in the majority of cases be trifling, it would or might, in the case of deep tanks, be far too heavy to be demanded without payment. We think that by an administrative order, the Heads of villages should be required to attend to requisitions for the uncovering of sluices which may need repair, but that the work done should be measured by the Inspecting officer and paid for.

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832/16

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We have the honor to be,
Sir,
Your most obedient Servants.

832/7

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Item (7). This required sluices to be uncovered by the villagers on the requisition of the Inspecting officer. Our reason for omitting it is, that though the work to be done might in the majority of cases be trifling, it would, or might, in the case of deep tanks, be far too heavy to be demanded without payment. We think that by an administrative order, the Heads of villages should be required to attend to requisitions for the uncovering of sluices which may need repair, but that the work done should be measured by the Inspecting officer and paid for.

8. We have specially exempted from the operation of the Act the districts of Madras, Malabar, South Canara, and Nílgiris, as it appears from the Board's Proceedings to which reference has been made above, that "Customary labour" has never been recognized in those districts. ~~Neither~~ do we intend that the provisions of the Act should apply to the minor and larger channels in the Godávari and Kistna Deltas, inasmuch as the entire regulation, and distribution of water from these works, is under the control of the Public Works Department—a state of things which, as regards distribution of water in village channels, does not exist in the Cauvery Delta.

Section II of our draft provides for the repeal of Section 6, Act I of 1858, the only section of that Act which treats of the subject now under consideration, and which has long been a dead letter.

Section III describes the various works which are to be performed by Kudimaramat, and restricts the obligation to contribute labour, to those who hold lands under the particular Irrigation work.

Section IV empowers Government to extend, or restrict the operation of the Act, as circumstances may require.

Section V makes the actual cultivator of the land liable to contribute labour, and enables him to deduct the money-value of it from the rent payable by him.

Section VI provides that the quota of labour for which each individual is responsible, is to be regulated by the proportion which the assessment payable by him bears to total assessment of the occupied lands under the work.

Section VII lays down rules for the distribution of Kudimaramat on works supplying more than one village.

Section VIII directs the preparation, and maintenance of registers, showing the works on which Kudimaramat is to be exacted, and the share of labour which each individual is to contribute.

Section IX provides for the execution of work by hired labour when those who are bound to contribute labour refuse to do so without good and sufficient cause, and imposes a penalty where labour is wrongly withheld.

Section X provides for recovery of the cost of labour hired.

832/8

Sections XI and XII allow of a composition being made for a period of three years where the Ryots concerned prefer to pay in money the full value of the labour they would otherwise be bound to contribute.

Section XIII deals with appeals.

Section XIV debars the jurisdiction of Civil Courts to the extent specified.

Section XV provides for the framing of rules to carry out the provisions of the Act.

We have the honor to be,
Sir,
Your most obedient Servants.

Clunster

Richd. H. Sankey

[illegible]

E. Forster Webster

Madras.
24th March 1882.

P. W. C. No. 1986

E-1

Recd. 27 Mar. 82

Note on Kudemaramat
&
Irrigation Law.

832/19

* Part-II Chap I Sec. 4 paras 58 & 60 to 68.

* G.O 21st May 1881 No 326-J.

* G.O 26 Sepr 1881 No 2358 W.

In forwarding extracts* from the Report of the Indian Famine Commission on the question of an Irrigation Law for the Madras Presidency, the Government* of India asked this Government to favour them with a full expression of opinion on the subject.

In the G.O. noted in the margin it was decided that the best and most practical way of meeting the demand of the Government of India "will

"be by framing drafts
"of Acts for regulating
"Kudimaramat and pre-
"scribing the law and
"obligations relating to
"Irrigation" —

Hence the origin of
our Committee.

The extracts from the
Report of the Famine Com-
mission noted above, —
deal with two subjects
1st The advisability of
revising the custom of
Statute labour (Kudimaramat)
2nd The necessity of an
Irrigation Law for Madras.

As to No 1 (Kudimaramat)
the Famine Commission
"feel no hesitation in
recommending that this
reform be at once —

"Carried out." 832/10

Regarding No 2 (Irrigation Law for Madras) they say "No special provision is made by Law for the grant of sufficient powers to carry out the various administrative arrangements which the introduction of canal irrigation necessarily involves; and there are in our opinion several particulars as to which the absence of express enactment has produced evils of a very serious nature".

These evils ~~pointed out~~ may be summarised as follows.

1st Want of means

of enforcing in Zamindars the obligation of maintaining their tanks &c in proper efficiency and of compelling them to Contributing towards the expenses incurred by Government in the improvement of works by which their estates are benifitted.

2nd Difficulty in dealing under the general Criminal law with various offences which interfere materially with the proper management of a Canal. Such as Stopping up other peoples' Channels, improperly opening ones own, tampering with banks. &c

2/

832/18

The Committee, therefore, have 1st to deal ~~[illegible]~~ with the Kudimaramat bill, draft of which is complete and regarding which it is unnecessary to say anything here - And 2nd to provide by legislation as far as possible for the better control of irrigation works and at the same time to devise means to compel Zamindars to keep their tanks &c in order, and to contribute towards the cost of certain works from which they derive advantage. This is a very complicated and difficult subject ~~[illegible]~~ and I suggest that at our

first meeting we dis-
pose only of the Kudimara-
mat bill (so far as
may be possible) and
leave the Irrigation re-
quirements of the Country
to be dealt with after
we have disposed of
the question of customary
labour. E. F. W.

To C. G. Master Esqr. C.S.
Members of
Comtee appointed
by
G.O. 26 Sept. 1881 No. 2358. W.

832/12

A

BILL.

FOR THE REGULATION AND ENFORCEMENT OF KUDIMARAMAT OR UNPAID VILLAGE LABOUR IN THE PRESIDENCY OF FORT ST. GEORGE.

Preamble.

Whereas it is expedient to make better provision for the regulation and enforcement of Kudimaramat, or unpaid village labour, in the Presidency of Fort St. George; it is hereby enacted as follows:—

I.—This Act may be cited as the Madras Kudimaramat Act, 1882: it extends to the whole of the Presidency of Fort St. George, excepting the Districts of Madras, Malabar, South Canara and Nílgiris, and the canals and distributaries irrigating more than one village in the Godávari and Kistna Deltas, and it shall come into force on the passing thereof.

II.—Section 6 of Act I of 1858 is hereby repealed.

Description of Kudimaramat Works.

III.—The following repairs to irrigation and drainage works, shall be performed by Kudimaramat or unpaid labour, contributed as hereinafter laid down by those who own, or cultivate lands, under such works: Provided that no one shall be liable to furnish Kudimaramat to an irrigation work under which he does not hold land:—

(1) The filling up of gullies, ruts, and holes, especially at the back of revetments, and all petty repairs of a like nature essential for the safety of bunds of tanks, channel banks, or other irrigation works appertaining to the village.

(2) The prevention of the growth on village irrigation works of prickly-pear, wild croton, young trees and other vegetation endangering the safety or concealing the condition of the work.

(3) The preservation of such bushes and grasses as have been planted for the protection of the interior water slopes of bunds of tanks.

(4) The clearance of silt from sluices, supply, and distributing channels of tanks, spring channels

and also when not maintained by the State from river channels.

(5) To clear the spaces between the upright stones of calingulahs (waste weirs with upright stones) and to regulate the latter according to the requirements of the season.

IV.—The Government shall have power to require the performance of any description of work not included in Section III, on satisfactory evidence being adduced of its recognition as Kudimaramat in any District or part of a District, and similarly to declare that in any locality, or on any work, Section III or any part of it, shall not be applicable.

Who liable to contribute.

V.—The actual cultivator, or tenant of the land, where the owner or proprietor of the land is not forthcoming, shall be bound to contribute the quota of labour as defined by Section VI of this Act, and it shall be lawful for such cultivator or tenant, to deduct the value of such labour at the current rate of wages in the village, from the rent payable to the owner or proprietor.

Quota of labour.

VI.—The quota of labour to be furnished by individuals will be determined by the proportion between the assessment of the lands occupied by them under the irrigation work, and the total assessment of the occupied lands under such work. In the case of Inam or rent-free lands the full assessment which such lands would bear if they were not Inam shall be taken to be the assessment of such lands for the purposes of this section. Whenever a majority of the persons bound to contribute labour are willing to settle among themselves the details of its apportionment, it shall be open to them to do so, the Divisional Revenue Officer being empowered to appoint a *Panchayat* for this purpose under the provisions of Regulation V of 1816.

In case of Inam lands.

Details of apportionment of labour by Panchayat.

Works supplying more than one village.

VII.—Whenever an irrigation work supplies the lands of more than one village, every village concerned shall be liable to furnish labour for its Kudimaramat. In such cases the shares of work to be done shall

833/13

be, for tanks and their connected works, settled under the orders of the Divisional Revenue Officer by apportioning to each village a definite length of the tank bund, supply channel, distributaries, &c., after which the Headman of the village will be responsible that the share of his village is regularly performed. In the case of channels irrigating more than one village, the shares of individual villages shall in like manner be arranged from time to time under the orders of the Divisional Officer and subject to the Collector's approval.

Tahsildar to keep registers of works.

VIII.—It will be the duty of the Tahsildar to prepare and maintain registers for each village in his taluk showing the number, and description of the works, upon which Kudimaramat labour is required under the provisions of this Act, and also the names of those who are bound to contribute this labour, and the share for which each one of them is responsible. The Village Registers shall be corrected annually by the Tahsildar, all alterations in holdings, or relinquishment of lands, being duly noted. Copies of the registers shall be furnished to the Headman of the village to which they relate, in view to their contents being made known as widely as possible among the villagers.

To correct them.

To furnish copies to Village Headmen.

Refusal to contribute labour.

IX.—It shall be the duty of the Headman of every village concerned, to see that the Kudimaramat required for his village is duly contributed, and applied to the purposes specified in Section III. Whenever the labour so required is withheld by the person bound to contribute the same, it shall be the duty of the Headman of the village, to cause the immediate execution of the work by hiring labour at the prevailing rate of wages, at the same time reporting his proceedings to the Tahsildar of the taluk, who shall thereupon hold a summary inquiry into the facts of the case, and may recover the value of the labour withheld from the person who should have contributed it. If it appears to him that the labour has been withheld without good and sufficient reason, he may in addition adjudge the defaulter to pay a penalty not exceeding twice the value of the labour withheld.

Penalty to be imposed.

X.—The cost of the labour hired, as well as the penalty which may be adjudged under the preceding section, shall be forthwith recoverable in the manner prescribed for the recovery of arrears of Land Revenue in the Madras Presidency.

Mode of recovery of penalty.

XI.—When any of the persons who, under the provisions of this Act, are bound to furnish labour, prefer individually or collectively to compound for the whole or any part of such obligation by an annual money payment, it shall be lawful for the Collector to admit such composition for a period not exceeding three years at such rates as shall be fully equivalent to the money value of the obligation, and to undertake the execution of the work so compounded for provided that the whole of the sum so raised shall be spent on the irrigation work in respect of which it is collected.

Composition allowed.

For four years.

XII.—The Collector shall fix the dates within which each party to the above composition shall pay the share due by him: and every sum not so paid shall be deemed to be an arrear of land revenue and be recoverable under the provisions of Act II of 1864.

XIII.—All decisions or orders passed by a Tahsildar under the provisions of this Act shall be appealable to the Divisional Officer, provided such appeal be made within two months from the date of such decision or order: and a further appeal shall lie to the Collector if made within one month from the date of the Divisional Officer's decision or order. Orders passed by the Collector on such appeals shall be final. From every original decision or order of a Collector or Divisional Officer an appeal shall lie to the Board of Revenue, if preferred within three months from the date of such order or decision.

XIV.—No Court of Civil Judicature shall have authority to take into consideration or decide any questions relating to the liability to contribute labour or money, the rates of composition, and the expenditure of the money raised under this Act.

XV.—The Government may from time to time make and when made, may alter or cancel rules to regulate the following matters :—

Government may make rules.

832/17

(1) The proceedings of any officer who under any provision of this Act is required to take action in any matter.

(2) And generally to carry out the provisions of this Act.

Such rules, alterations, and cancelments shall be published in the *Fort St. George Gazette* and shall thereupon have the force of law.

832/15

A BILL TO MAKE BETTER PROVISION FOR THE MAINTENANCE OF KUDIMARAMAT OR UNPAID VILLAGE LABOUR IN THE PRESIDENCY OF FORT ST. GEORGE.

Preamble. Whereas it is expedient to make better provision for the maintenance of Kudimaramat, or unpaid village labour, in the Presidency of Fort St. George; it is hereby enacted as follows.

I.—This Act may be cited as the Madras Kudimaramat Act, 1882: it extends to the whole of the Madras Presidency excepting the Districts of Madras, Malabar, South Canara and Nílgiris and applies to all Government irrigation works and it shall come into force on the passing thereof.

II.—Section 6 of Act I of 1858 is hereby repealed.

Description of Kudimaramat Works. III.—The following repairs to irrigation works shall be performed by Kudimaramat or unpaid labour contributed as hereinafter provided by those who own or cultivate lands under such works: Provided that no one shall be liable to furnish Kudimaramat to an irrigation work under which he does not hold land:—

(1) The filling up of gullies, ruts, and holes, and all petty repairs of a like nature essential for the safety of bunds of tanks, channel banks, or other irrigation works appertaining to the village.

(2) The prevention of the growth on village irrigation works of prickly-pear, wild croton, and other objectionable vegetation.

(3) The preservation of such bushes and grasses as have been planted for the preservation of the interior water slopes of *bunds* of tanks. safety?

(4) The clearance of silt from sluices, and from the distributing channels of tanks and the clearance of all spring and river channels.

(5) ~~To keep kalingulahs clear of obstruction and to stop petty leaks in them.~~

IV.—The Government shall have power to require the performance of any description of work not included in Section II on satisfactory evidence being adduced of its recognition as Kudimaramat in any District or part of a District and similarly to declare that in any locality or on any work Section II or any part of it shall not be applicable.

Who liable to contribute.

V.—The actual cultivator or tenant of the land where the owner or proprietor of the land is not forthcoming shall be bound to contribute the quota of labour as defined by Section VI of this Act, and it shall be lawful for such cultivator or tenant to deduct the value of such labour at the current rate of wages in the village from the rent payable to the owner or propietor.

Quota of labour.

VI.—The quota of labour to be furnished by individuals will be determined by the proportion between the assessment of the lands occupied by them under the irrigation work and the total assessment of the occupied lands under such work. In the case of Inam or rent-free lands the full assessment which such lands would bear if they were not Inam shall be taken to be the assessment of such lands for the purposes of this section. Whenever a majority of the Ryots are willing to settle among themselves the details of the apportionment of labour, it shall be open to them to do so, the Divisional Officer being empowered to appoint a *Panchayat* for this purpose.

In case of Inam lands.

Details of apportionment of labour by Panchayat.

Works supplying more than one village.

VII.—Whenever an irrigation work supplies the lands of more than one village, every village concerned shall be liable to furnish labour for its Kudimaramat as prescribed in Section V. In such cases the shares of work to be done shall be, for tanks and their connected works, settled under the orders of the Divisional Revenue Officer by apportioning to each village a definite length of the tank *bund*, supply channel, distributaries, &c., after which the Headman of the village will be responsible that the share of his village is regularly performed. In the case of channels irrigating more than one village, the shares of individual villages shall in like manner be arranged from time to time under the orders of the Divisional Officer and subject to the Collector's approval.

VIII.—It will be the duty of the Tahsildar to prepare and maintain registers for each village in his taluk showing the number and description of the works upon which Kudimaramat labour is required under the provisions of this Act as well as the names of those who are bound to contribute this labour and the share for which each one of them is responsible. The Village Registers shall be corrected annually by the Tahsildar, all alterations in holdings or relinquishment of lands being duly noted. Copies of the registers shall be furnished to the Headman of the village to which they relate, in view to their contents being made known as widely as possible among the villagers.

Tahsildar to keep registers of works.

To correct them.

To furnish copies to Village Headmen.

IX.—It shall be the duty of the Headman of every village concerned to see that the labour required under Section VI is duly contributed to the purposes specified in Section III. Whenever the labour so required is withheld without reasonable cause by the Ryot bound to contribute the same, it shall be the duty of the Headman of the village to cause the immediate execution of the work by hiring labour at the prevailing rate of wages, at the same time reporting his proceedings to the Tahsildar of the taluk, who shall thereupon hold a summary inquiry into the facts of the case and may recover the value of the labour withheld from the person who should have contributed it, and if it appears to him that the labour has been withheld without good and sufficient reason, he may in addition adjudge the recusant Ryots to pay a penalty not exceeding twice the value of the labour withheld.

Refusal to contribute labour.

Penalty to be imposed.

X.—The cost of the labour hired, as well as the penalty which may be adjudged under the preceding section shall be forthwith recoverable in the manner prescribed for the recovery of arrears of Land Revenue in the Madras Presidency.

Mode of recovery of penalty.

XI.—When the persons who, under the provisions of this Act, are bound to furnish labour prefer to compound for the whole

Composition allowed.

832/18

or any part of such obligation by an annual money payment, it shall be lawful for the Collector to admit such composition for a period not less than four years subject to readjustment or discontinuance on notice being given to the Collector by those concerned twelve months before the expiration of that period. The rates of such composition shall be fully equivalent to the money value of the obligation, and the whole of the sum so raised shall be spent on the irrigation work in respect of which it is collected.

For four years.

Government may make rules.

XII.—The Government may from time to time make rules to regulate the following matters :—

(1) The proceedings of any officer who under any provision of this Act is required to take action in any matter.

(2) The cases in which, the officers to whom, and the conditions subject to which orders and decisions given under this Act shall be appealable.

(3) And generally to carry out the provisions of this Act.

(4) The Government may also from time to time alter or cancel any rules so made.

Such rules, alterations, and cancelments shall be published in the *Fort St. George Gazette* and shall thereupon have the force of law.

838/79

SIR,—We, the undersigned members of the Committee, appointed in the Government Order noted in the margin to frame drafts of Acts for regulating Kudimaramat and prescribing the law and obligations relating to Irrigation, have the honor to submit herewith a Bill relating to the former of these subjects.

26th September 1881, No. 2358-W.

2 We have carefully considered the draft Act contained in the Report of the Irrigation Famine Committee, dated 27th December 1878, as well as the Proceedings of the Board of Revenue, dated 6th May 1876, No. 1192, in which the whole subject of unpaid village labour is fully discussed. We have also referred to such other papers on the subject as were available, and we now beg to submit the conclusions at which we have arrived.

3 There appears to be no reason to doubt that the execution of emergent repairs to Irrigation works by unpaid labour has, for a long series of years, been recognized as a duty devolving on the Ryots whose crops depend on the maintenance of these works.

4 This custom was ~~recognized and~~ mentioned with approval by Sir Thomas Munro, who speaking of tanks says: "There are very few tanks in which ordinary repairs have not always been made either by the cultivators themselves or by the Revenue servants at their expenses." While of the repair of water-courses (distributory channels), he says: "Their repair is still more common than that of tanks by the labour of the cultivators. In every part of the country water-courses are annually cleared out by them and the performance of such work is not regarded as any extra duty more than the payment of their rent." Later on the Board of Revenue, in 1847, drew up a list of works which they considered might fairly be classed as those which the Ryot was bound to execute without payment, and full recognition of the existence of the custom is to be found in the Report of the Public Works Department Commission in 1869, as well as in the subsequent Proceedings of the Board of Revenue in May 1876. At the same time there seems always to have been some divergence of opinion both as to the policy of enforcing this obligation by legislation, as well as in defining the exact nature of the work to be enforced.

Sir A. J. Arbuthnot's life of Major-General Sir Thomas Munro, Volume 1, page 90.

Page 91.

Board's Standing Order, No. 148.

6th May 1876, No. 1192.

5 After giving the subject ~~their~~ our closest attention, ~~the Committee~~ we concur in opinion with the Board of Revenue that the expediency of maintaining the system of Kudimaramat where it is already in force, and of reviving it where it has fallen into desuetude, has been satisfactorily established; but ~~they~~ we consider that such a system can only be justified by necessity, and that it would be a grievous injustice to the Ryots to attempt to enforce it by legislation merely in order to supplement deficient funds.

6 We have accordingly endeavoured to frame the Bill so as to impose on the cultivator the duty of carrying out by unpaid labour only such emergent repairs to tanks as require to be promptly attended to in order to save the standing crops, or to prevent trifling injuries to the works, leading, from want of prompt care and attention, to serious loss and expense. The *general* repair of such Irrigation works, rendered necessary by ordinary wear and tear, must still in our opinion devolve on Government, and the requisite funds for carrying out such repairs should, we think, be provided by the State out of its Irrigation Revenue and might properly form a first charge on that Revenue.

7 In regard to the maintenance and repair of Irrigation channels we have distinguished between those which supply water to an Irrigation work and those which distribute water to the ~~Ryots'~~ fields. We consider that the maintenance and repair of the former class properly belongs to the State, and that the clearing and repair of the latter class should devolve on the Ryots who hold lands under the Irrigation work from which ~~their~~ these channels are taken.

832/210

8 We are unable to approve of items (6) and (7) contained in Section II of the Bill drafted by the Irrigation Committee in 1878. We do not understand on what principle the cultivators are to be called on to construct ring dams without payment; and we are of opinion that such work should on emergency be done, as now, by compulsory *paid* labour under the provision of Act I of 1858. Item (7) being part of the supervision of a work clearly ought to be paid for.

9 We have specially exempted from the operation of the Act the Districts of Madras, Malabar, South Canara and Nilgiris, as it appears from the Board's Proceedings to which reference has already been made that "Customary labour" has never been recognized in those Districts.

10 Section II of our draft provides for the repeal of Section 6, Act I of 1858, ~~which is~~ the only section of that Act which treats of the subject now under consideration, and which has long been a dead letter.

Section III defines the ~~different works~~ various repairs which are to be performed by Kudimaramat and restricts the obligation to contribute labour to those who hold lands under the particular Irrigation work.

Section IV makes the actual cultivator of the land liable to contribute labour and enables him to deduct the money value of it from the rent payable by him.

Section V provides that the quota of labour for which each individual is responsible is to be regulated by the proportion which the assessment payable by him bears to total assessment of the occupied lands under the work.

Section VI lays down rules for the distribution of Kudimaramat on works supplying more than one village.

Section VII directs the preparation and maintenance of registers showing the works on which Kudimaramat is to be exacted and the share of labour which each individual is to contribute.

Section ~~VIII provides for~~ directs the execution of work by hired labour when those who are bound to contribute labour refuse to do so without good and sufficient cause, and imposes a penalty where labour is wrongly withheld.

Section X allows of a composition being made for a period of four years where the Ryots concerned prefer to pay in money the full value of the labour they would otherwise be bound to contribute, and Section XI enables Government to make such rules from time to time as may be necessary to ensure the efficient working of the Act.

And Section XII Enables Govt. to make rules for the regulation of certain specified matters.

We have &c &c.

Section IV Enables Govt. to add to the list of works mentioned in para III and to declare that the Act shall not apply to any class of works or to any particular locality

— or if necessary?

Seen [illegible] 7/3/82

Section IX Provides for recovery of the penalty adjudged

Draft of
Land Amendment Bill
&
Covering letter.

832/24

(Column 3)

A

BILL.

FOR THE REGULATION AND ENFORCEMENT OF KUDIMARAMAT OR UNPAID VILLAGE LABOUR IN THE PRESIDENCY OF FORT ST. GEORGE.

(Column 1)

As proposed by the Adv. Genl | *Original Draft.*

Preamble.

Whereas it is expedient to make better provision for the regulation and enforcement of Kudimaramat, or unpaid village labour, in the Presidency of Fort St. George; it is hereby enacted as follows:—

I No remark

I.—This Act may be cited as the Madras Kudimaramat Act, 1882: it extends to the whole of the Presidency of Fort St. George, excepting the Districts of Madras, Malabar, South Canara and Nílgiris, and the canals and distributaries irrigating more than one village in the Godávari and Kistna Deltas, and it shall come into force on the passing thereof.

II No remark

II.—Section 6 of Act I of 1858 is hereby repealed.

III (The words "under such works" seems to him hardly definite enough. What is meant he thinks is that persons who own or cultivate, in any village, lands which receive water from the irrigation or drainage works appertaining to such village shall be bound to contribute labor. If on the other hand, all persons who own or cultivate lands in the village are bound to contribute, whether the lands receive water or not, or whether the owners of the lands are or are not entitled to receive water for some or all of their lands, it would be well that such intention should be expressed in the Bill in clearer terms than it is. Is it the intention that all owners of lands, whether the cultivation adopted be wet or dry cultivation, shall contribute, or only the owners of lands for the cultivation of which water is or may hereafter be supplied from the irrigation works?)

Description of Kudimaramat Works.

III.—The following repairs to irrigation and drainage works, shall be performed by Kudimaramat or unpaid labour, contributed as hereinafter laid down by those who own, or cultivate lands, under such works: Provided that no one shall be liable to furnish Kudimaramat to an irrigation work under which he does not hold land:—

(1) No remark.

(1) The filling up of gullies, ruts, and holes, especially at the back of revetments, and all petty repairs of a like nature essential for the safety of bunds of tanks, channel banks, or other irrigation works appertaining to the village.

(2) No remark.

(2) The prevention of the growth on village irrigation works of prickly-pear, wild croton, young trees and other vegetation endangering the safety or concealing the condition of the work.

(3) No remark

(3) The preservation of such bushes and grasses as have been planted for the protection of the interior water slopes of bunds of tanks.

(4) No remark

(4) The clearance of silt from sluices, supply, and distributing channels of tanks, spring channels

(1)

Original Draft

and also when not maintained by the State from river channels.

(5) To clear the spaces between the upright stones of calingulahs (waste weirs with upright stones) and to regulate the latter according to the requirements of the season.

IV.—The Government shall have power to require the performance of any description of work not included in Section III, on satisfactory evidence being adduced of its recognition as Kudimaramat in any District or part of a District, and similarly to declare that in any locality, or on any work, Section III or any part of it, shall not be applicable.

Who liable to contribute.

V.—The actual cultivator, or tenant of the land, where the owner or proprietor of the land is not forthcoming, shall be bound to contribute the quota of labour as defined by Section VI of this Act, and it shall be lawful for such cultivator or tenant, to deduct the value of such labour at the current rate of wages in the village, from the rent payable to the owner or proprietor.

Quota of labour.

VI.—The quota of labour to be furnished by individuals will be determined by the proportion between the assessment of the lands occupied by them under the irrigation work, and the total assessment of the occupied lands under such work. In the case of Inam or rent-free lands the full assessment which such lands would bear if they were not Inam shall be taken to be the assessment of such lands for the purposes of this section.

In case of Inam lands.

Whenever a majority of the persons bound to contribute labour are willing to settle among themselves the details of its apportionment, it shall be open to them to do so, the Divisional Revenue Officer being empowered to appoint a *Panchayat* for this purpose under the provisions of Regulation V of 1816.

Details of apportionment of labour by Panchayat.

Works supplying more than one village.

VII.—Whenever an irrigation work supplies the lands of more than one village, every village concerned shall be liable to furnish labour for its Kudimaramat. In such cases the shares of work to be done shall

(2)

As proposed by the Rev. Board

(5) No remark –
The Board suggest the following addition to Section III
The Engineer in charge of the work, or where there may be no professional officer in charge thereof, the Revenue officer in charge of the Division in which the work may be situated, shall be the judge whether prickly pear, wild croton, young trees and other vegetation endanger the safety or conceal the condition of the work. Such officer shall also initiate repairs under the Act.

IV No remark.

V. Where the owner or proprietor of the land is not forthcoming, the actual cultivator or tenant of the land shall be bound to contribute the quota of labour as defined by Section VI of this act, and he shall be entitled to deduct the value of such labour at the current rate of wages in the village from the rent payable to the owner or proprietor.

VI – No remark.

VII. Whenever an irrigation work supplies the lands of more than one village, every village concerned shall be liable to furnish labour for its Kudimaramat. In such cases the shares of work to be done shall

(3)

As proposed by the Adv. Genl

(5) The clearances of spaces between the upright stones of calingulahs (waste weirs with upright stones) and the regulation of calingulahs according to the requirements of the season.

The Adv. Genl suggests the addition of the following para to Section III.

The Government may, from time to time, by notification in the Fort Saint George Gazette and in the Gazette of the District, exempt any District or part of a District, or any locality or work, from the operation of this Section, or any part thereof, and may, from time to time in like manner, cancel such notifications.

IV In any district or part of a district to which this act applies, the Govt. may from time to time by such notification as aforesaid require that any work not included in Section III, shall be performed by unpaid labour, upon being satisfied that such work has been heretofore performed by unpaid labour in such district or part of a district and may from time to time, in like manner, cancel such notifications.

(The Adv. Genl cannot suggest a better word than "heretofore" but thinks that instead of it a date might be mentioned in the Act)

V – Suggests the following addition to this para –

In case of any dispute as to the amount which the cultivator or tenant is entitled to deduct from his rent under this section, the same shall be determined upon summary inquiry by the Divisional Revenue officer.

VI Remarks that this section also has the words "under the irrigation work" and that the words may be quite intelligible to those who are conversant with the subject.

VII – Whenever an irrigation work supplies the lands of more than one village, every village supplied shall be liable to furnish labour for its Kudimaramat – In such cases the shares of work to be done shall

(Column 2)

As proposed by the Rev. Boa[rd]

I No remark

II No remark

III. The following repairs to irrigati[on] and drainage works shall be performed by Kudimaramat or unpaid labour, con[-]tributed as hereinafter laid down by th[ose] who own in whole or in part or cultivate lands, under such works; Provided that n[o] one shall be liable to furnish Kudimaramat f[or] an irrigation work under which he does not own in whole or in part or cultivate land.

(1) No remark

(2) No remark

(3) No remark

(4) No remark

As proposed by the Cdr. General

be, for tanks and their connected works, settled under the orders of the Divisional Revenue Officer, subject to the Collector's approval, by apportioning to each village a de[illegible] length of the tank bund, supply channel, distributories &c, after which it shall be the duty of the Headman of such village to see that the works for his village are performed in the manner prescribed, and to report any failure or neglect in the execution thereof without unnecessary delay to the Tahsildar or Divisional Revenue Officer. In the case of channels irrigating more than one village, the shares of such villages shall in like manner be arranged from time to time under the orders of the Divisional Officer, and subject to the Collector's approval.

(Remarks that no penalty is provided in the Section or in the Bill for failure by the Headman to perform the duties imposed upon him, & that perhaps the liability to dismissal from office has been deemed sufficient.)

VIII.—It will be the duty of the Tahsildar to prepare and maintain registers for each village in his taluk, showing the number, and description of the works upon which Kudimaramat labor is required under the provisions of this Act, and also the names of those who are bound to contribute this labour, and the share for which each one of them is responsible. The Village Registers shall be corrected annually by the Tahsildar, all alterations in holdings, or relinquishment of lands, being duly entered. Copies of the registers shall be furnished to the Headman of the village to which they relate, in view to their contents being made known as widely as possible among the villagers. Such registers and the copies thereof furnished to the Headman shall be open to the inspection of the public at all reasonable times.

IX. It shall be the duty of the Headman of every village to see that the Kudimaramat required for his village is duly contributed, and applied to the purposes specified in Section III. Whenever the labour so required is withheld by the person bound to contribute the same, it shall be the duty of the Headman of the village, to cause the immediate execution of the work by hiring labour at the lowest rate of wages at which it can be procured. Whenever such Headman hires labour under the authority of this Section, he shall report all the facts of the case to the Tahsildar of the taluk without unnecessary delay. The Tahsildar shall hold a summary enquiry into the facts and he may direct that the persons making default do pay to the Headman the amount expended or due for such hired labour, and in addition to pay into the local treasury a penalty not exceeding twice the amount so expended or due. Such headman shall be entitled to receive from the Collector all moneys expended or due by him for hired labour under this Section in cases in which he does not recover the same from the defaulters. All penalties paid under this Section shall be applied, as far as may be necessary, to provide a fund from which the Collector may pay the Head[illegible] all moneys expended or due by them for hire[illegible] under this Section, and the surplus, if any, sh[illegible] upon irrigation works in the dis[illegible]

Original draft

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3

be, for tanks and their connected works, settled under the orders of the Divisional Revenue Officer by apportioning to each village a definite length of the tank bund, supply channel, distributaries, &c., after which the Headman of the village will be responsible that the share of his village is regularly performed. In the case of channels irrigating more than one village, the shares of individual villages shall in like manner be arranged from time to time under the orders of the Divisional Officer and subject to the Collector's approval.

Tahsildar to keep registers of works.

VIII.—It will be the duty of the Tahsildar to prepare and maintain registers for each village in his taluk showing the number, and description of the works, upon which Kudimaramat labour is required under the provisions of this Act, and also the names of those who are bound to contribute this labour, and the share for which each one of them is responsible. The Village Registers shall be corrected annually by the Tahsildar, all alterations in holdings, or relinquishment of lands, being duly noted. Copies of the registers shall be furnished to the Headman of the village to which they relate, in view to their contents being made known as widely as possible among the villagers.

To correct them.

To furnish copies to Village Headmen.

IX.—It shall be the duty of the Headman of every village concerned, to see that the Kudimaramat required for his village is duly contributed, and applied to the purposes specified in Section III. Whenever the labour so required is withheld by the person bound to contribute the same, it shall be the duty of the Headman of the village, to cause the immediate execution of the work by hiring labour at the prevailing rate of wages, at the same time reporting his proceedings to the Tahsildar of the taluk, who shall thereupon hold a summary inquiry into the facts of the case, and may recover the value of the labour withheld from the person who should have contributed it. If it appears to him that the labour has been withheld without good and sufficient reason, he may in addition adjudge the defaulter to pay a penalty not exceeding twice the value of the labour withheld.

Refusal to contribute labour.

Penalty to be imposed.

(1)

Original draft

X.—The cost of the labour hired, as well as the penalty which may be adjudged under the preceding section, shall be forthwith recoverable in the manner prescribed for the recovery of arrears of Land Revenue in the Madras Presidency.

Mode of recovery of penalty.

XI.—When any of the persons who, under the provisions of this Act, are bound to furnish labour, prefer individually or collectively to compound for the whole or any part of such obligation by an annual money payment, it shall be lawful for the Collector to admit such composition for a period not exceeding three years at such rates as shall be fully equivalent to the money value of the obligation, and to undertake the execution of the work so compounded for provided that the whole of the sum so raised shall be spent on the irrigation work in respect of which it is collected.

Composition allowed.

For ~~four~~ three years.

XII.—The Collector shall fix the dates within which each party to the above composition shall pay the share due by him: and every sum not so paid shall be deemed to be an arrear of land revenue and be recoverable under the provisions of Act II of 1864.

XIII.—All decisions or orders passed by a Tahsildar under the provisions of this Act shall be appealable to the Divisional Officer, provided such appeal be made within two months from the date of such decision or order: and a further appeal shall lie to the Collector if made within one month from the date of the Divisional Officer's decision or order. Orders passed by the Collector on such appeals shall be final. From every original decision or order of a Collector or Divisional Officer an appeal shall lie to the Board of Revenue, if preferred within three months from the date of such order or decision.

XIV.—No Court of Civil Judicature shall have authority to take into consideration or decide any questions relating to the liability to contribute labour or money, the rates of composition, and the expenditure of the money raised under this Act.

XV.—The Government may, from time to time, make and when made, may alter or cancel rules to regulate the following matters :—

Government may make rules.

(2)

As proposed by the Rev. Board

X. No remark

XI. (Remark that it seems desirable to require that any composition should be made at a fixed date in order to prevent complications which might arise by proposals to compound being advanced when an emergency is imminent.)

XII No remark

XIII. All decisions or orders passed by a Tahsildar under the provisions of this Act shall appealable to the Divisional Officer, provided such appeal be made within two months from the date of such decision or order; and a further appeal shall lie to the Collector if made within one month from the date of the Divisional Officer's decision or order. Orders passed by the Collector on such appeals shall be final. From every original decision or order of a Collector or Divisional Officer an appeal shall lie to the Collector, if preferred within three months from the date of such order or decision.

XIV. No remark.

XV. No remark

(3)

As proposed by the Advocate General

X. The cost of the labour hired, as well as the penalty which may be adjudged under the preceding section shall be recoverable in the manner prescribed for the recovery of ~~of~~ arrears of Land Revenue.

XI. No remark.

XI. The Collector shall fix the dates within which each party to the above composition shall pay the share due by him, and every sum not so paid shall be deemed to be an arrear of land revenue, and be recoverable in the manner prescribed for the recovery of arrears of land revenue.

XII. No remark.

XIV. No Civil Court shall have authority to take into consideration or decide any questions relating to the liability to contribute labour or money, the rates of composition, and the expenditure of the money raised under this Act.

XV. No remark.

(2)

<u>As proposed by the Rev. Board</u>

be, for tanks and their connected wor
settled under the orders of the Divisional
Revenue officer, <u>subject to revision by the</u>
<u>Collector</u>, by apportioning to each village a defi
length of the tank bund, supply channels, dis
butaries &c, after which the Headman of the
will be responsible that the share of his villa
regularly performed. In the case of channels irrig
more than one village, the shares of individua
villages shall in like manner be arranged f
time to time under the orders of the Division
officer, and subject to the Collector's appro

VIII No remark

IX. It shall be the duty of the Headman
of every village concerned, to see that th
Kudimaramat required for his village
duly <u>and promptly</u> contributed &c
(The rest of the section to be printed
as in [illegible] column 1)

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